

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

STEVEN JONES

(b) County of Residence of First Listed Plaintiff Montgomery, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Robert F. Morris, Esq., MORRIS WILSON, P.C., 161 Washington Street,
Suite 900 Conshohocken, PA 19428, 610-825-0500

DEFENDANTS

THE NORTH PENN YOUNG MEN'S CHRISTIAN ASSOCIATION,
INDIAN VALLEY FAMILY Y.M.C.A., and AMERICAN RED CROSS

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Attorneys for the AMERICAN NATIONAL RED CROSS:
Cathleen Kelly Rebar and Julie Buonocore, REBAR BERNSTIEL
470 Norristown Road, Suite 201, Blue Bell, PA 19422

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)
- **Pursuant to 36 U.S.C. 300105**

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395H) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
36 U.S.C. 300105

Brief description of cause:

Negligence: Plaintiff sues entities that purportedly owned the premises/operated the program where he was injured

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DEC 31 2019

DATE
12/31/2019

SIGNATURE OF ATTORNEY OF RECORD

Cathleen Kelly Rebar

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19

6192

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 629 Hammersmyth Court, Harleysville, PA 19438

Address of Defendant: American Red Cross, 431 18th Street NW, Washington DC 20006

Place of Accident, Incident or Transaction: 890 Maple Avenue, Harleysville, Pennsylvania 19438

RELATED CASE, IF ANY:

Case Number: Judge: Date Terminated:

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/31/2019

Attorney-at-Law / Pro Se Plaintiff

82872

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FEHA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☒ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases

(Please specify): Pursuant to 36 U.S.C. 300105

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify):
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify):

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☐ Relief other than monetary damages is sought.

DATE: _____

Sign here if applicable

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

DEC 31 2019

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

NIQA

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

STEVEN JONES

CIVIL ACTION

v.

THE NORTH PENN YOUNG MEN'S CHRISTIAN
ASSOCIATION, INDIAN VALLEY FAMILY
Y.M.C.A., and AMERICAN RED CROSS

NO.

19

6192

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

12/31/2019

Cathleen Kelly Rebar and Julie Buonocore

The American National Red Cross

Date**Attorney-at-law****Attorney for**

484-344-5298

484-344-5341

crebar@rebarbernstiel.com,
jbuonocore@rebarbernstiel.com**Telephone****FAX Number****E-Mail Address**

(Civ. 660) 10/02

DEC 31 2019

NIQA

#400

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEVEN JONES,

Plaintiff,

v.

THE NORTH PENN YOUNG MEN'S
CHRISTIAN ASSOCIATION, INDIAN
VALLEY FAMILY Y.M.C.A., and
AMERICAN RED CROSS,

Defendants.

CIVIL ACTION NO.

19 6192

NOTICE OF REMOVAL PURSUANT
TO 28 U.S.C. §§ 1441 and 1446

The American National Red Cross (improperly pled as American Red Cross) ("Red Cross"), by and through its counsel, Rebar Bernstiel, hereby files, pursuant to 28 U.S.C. §§ 1441 and 1446, this Notice of Removal of a certain action pending in the Pennsylvania Court of Common Pleas, Montgomery County and in support thereof states as follows:

1. The Red Cross is a defendant in an action entitled *Steven Jones v. The North Penn Young Men's Christian Association, Indian Valley Y.M.C.A., and American Red Cross*, Civil Action No. 2019-27659, which is pending in the Pennsylvania Court of Common Pleas, Montgomery County (the "State Court Action").

2. On or about December 2, 2019, Plaintiff served on the Red Cross a Civil Summons and Complaint. No prior papers were served on the Red Cross in the State Court Action.

3. In accordance with 28 U.S.C. § 1446(a), and to the best of the Red Cross's knowledge, the papers attached hereto as **Exhibit A** are all of the process, pleadings, and orders served to date upon the defendant in the State Court Action.

4. The Red Cross desires to remove the State Court Action to this Court and submits this Notice, along with the attached Exhibits, in accordance with 28 U.S.C. §§ 1441 and 1446.

5. Federal subject matter jurisdiction exists in this action by virtue of 36 U.S.C. § 300105, a provision of the Red Cross's federal charter that grants it the power to "sue and be sued in courts of law and equity, State or Federal, within the jurisdiction of the United States."

6. The United States Supreme Court has held that the "sue and be sued" provision of the American National Red Cross's charter as conferring "original jurisdiction on federal courts over all cases to which Red Cross is a party, with the consequence that the organization is thereby authorized to remove from state to federal court any state-law action it is defending." *American National Red Cross v. S.G.*, 505 U.S. 247 (1992).

7. Plaintiff's claims of damages arise from an alleged incident that caused personal injuries that occurred in Harleysville, Pennsylvania. *See*, **Exhibit A**.

8. Venue is properly laid in this District because all or a substantial part of the events or alleged conduct giving rise to Plaintiff's claims occurred in this District. 28 U.S.C. § 1391(a)(2).

9. The Red Cross's co-defendants, The North Penn Young Men's Christian Association and Indian Valley Family Y.M.C.A., were served in the State Court Action, but no counsel has yet entered an appearance on behalf of these Defendants. *See* Docket (attached as **Exhibit B**). Robert Gallagher, CEO for Co-Defendants, stated that he was unable to provide the YMCA's permission on removal until defense counsel was retained. *See* Request for Consent (attached as **Exhibit C**). As

such, it was not possible to substantively discuss removal with Co-Defendants at this time; however Red Cross has no reason to believe that Co-Defendants object to removal.

8. This Notice is being filed within 30 days after service on the Red Cross of the Complaint in the State Court Action and is, therefore, timely filed pursuant to 28 U.S.C. § 1446(b).

9. Written notice of the filing of this Notice of Removal will be given to all parties and, together with a copy of the Notice of Removal and supporting papers, will be filed with the Clerk of the Pennsylvania Court of Common Pleas, Montgomery County, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, the American National Red Cross (improperly pled as American Red Cross) prays that the State Court Action be removed to this Court.

Respectfully submitted,



Cathleen Kelly Rebar, Esquire
Julie A. Buonocore, Esquire
REBAR BERNSTIEL
470 Norristown Road, Suite 201
Blue Bell, PA 19422
ckelly@rebarbernstiel.com
jbuonocore@rebarbernstiel.com
Counsel for Defendant
American National Red Cross

Dated: December 31, 2019

CERTIFICATE OF SERVICE

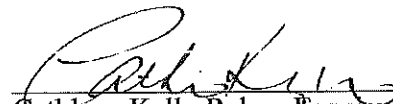
I hereby certify that on December 31st, 2019, I caused a true and correct copy of the NOTICE OF REMOVAL and all supported papers to be served by first class mail, postage prepaid, and/or electronic mail on each of the following:

Robert F. Morris, Esquire
Megan G. Knoll, Esquire
MORRIS WILSON, P.C.
161 Washington Street, Suite 900
Conshohocken, PA 19428
Attorneys for Plaintiff

The North Penn Young Men's Christian Association
2506 N. Broad Street, Suite 208
Colmar, PA 18915

Indian Valley Family Y.M.C.A.
890 Maple Avenue
Harleysville, PA 19438

REBAR BERNSTIEL


Cathleen Kelly Rebar, Esquire
Julie A. Buonocore, Esquire
REBAR BERNSTIEL
470 Norristown Road, Suite 201
Blue Bell, PA 19422
ckelly@rebarbernstiel.com
jbuonocore@rebarbernstiel.com
Counsel for Defendant
American National Red Cross

Dated: December 31, 2019

EXHIBIT “A”

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

STEVEN JONES

VS.

THE NORTH PENN YOUNG MENS CHRISTIAN
ASSOCIATION

NO. 2019-27659

NOTICE TO DEFEND - CIVIL

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 West Airy Street (REAR)
NORRISTOWN, PA 19404-0268

(610) 279-9660, EXTENSION 201

PRIF0034
R 10/11

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

STEVEN JONES

vs.

THE NORTH PENN YOUNG MENS CHRISTIAN
ASSOCIATION

NO. 2019-27659

CIVIL COVER SHEET

State Rule 205.5 requires this form be attached to any document commencing an action in the Montgomery County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: MEGAN KNOLL, Esq., ID: 324333

Self-Represented (Pro Se) Litigant ☐

Class Action Suit ☐ Yes ☒ No

MDJ Appeal ☐ Yes ☒ No

Money Damages Requested ☒

Commencement of Action:

Amount in Controversy:

Complaint

More than \$50,000

Case Type and Code

Tort:

Other

Other:

PERSONAL INJURY

Attorneys for Plaintiff

STEVEN JONES
629 Hammersmyth Court
Harleysville, PA 19438

NO.

JURY TRIAL DEMANDED

and

and

AMERICAN RED CROSS
2221 Chestnut Street
Philadelphia, PA 19103

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned

that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claims or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Lawyer Referral Service
Montgomery County Bar Association
100 West Airy Street (REAR)
Norristown, PA 19401
(610) 279-9660, Extension 201**

MORRIS WILSON, P.C.
 Robert F. Morris, Esquire
 Attorney I.D. No. 22706
 Megan G. Knoll, Esquire
 Attorney I.D. No. 324333
 161 Washington Street, Suite 900
 Conshohocken, PA 19428
 610 825-0500

rmorris@morriswilson.com
mknoll@morriswilson.com

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PA
 CIVIL ACTION - LAW

STEVEN JONES
 629 Hammersmyth Court
 Harleysville, PA 19438

v.

THE NORTH PENN YOUNG MEN'S
 CHRISTIAN ASSOCIATION
 2506 N. Broad Street, Suite 208
 Colmar, PA 18915

and

INDIAN VALLEY FAMILY Y.M.C.A.
 890 Maple Avenue
 Harleysville, PA 19438

and

AMERICAN RED CROSS
 2221 Chestnut Street
 Philadelphia, PA 19103

NO.

JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiff Steven Jones is an adult individual residing at 629 Hammersmyth Court, Harleysville, PA 19438. Steven Jones attained the age of majority on April 21, 2018.

2. Upon information and belief, Defendant North Penn Young Men's Christian Association ("North Penn Y") is a non-profit business entity with a business address of 2506 North Broad Street, Suite 208, Colmar, PA 18915. This Defendant acted through its agents, servants, employees or ostensible agents who facilitated, supervised, instructed, and/or oversaw the lifeguard certification course on April 26, 2015 at the Indian Valley Family Y.M.C.A., whose names are unknown to Plaintiff but whose full identities are known to Defendants. All of The North Penn Y's agents, servants, employees, or ostensible agents as described above were engaged in the business of The North Penn Y and were acting within the scope and course of their employment.

3. Upon information and belief, Defendant Indian Valley Family Y.M.C.A. is a fictitious name of a business enterprise with a business address of 890 Maple Avenue, Harleysville, PA 19438. This Defendant acted through its agents, servants, employees or ostensible agents who facilitated, supervised, instructed, and/or oversaw the lifeguard certification course on April 26, 2015 at the Indian Valley Family Y.M.C.A., whose names are unknown to Plaintiff but whose full identities are known to Defendants. All of Indian Valley Y.M.C.A.'s agents, servants, employees, or ostensible agents as described above were engaged in the business of Indian Valley Y.M.C.A. and were acting within the scope and course of their employment.

4. Upon information and belief, Defendant American Red Cross is a business enterprise with a business address of 2221 Chestnut Street, Philadelphia, PA 19103. This Defendant acted through its agents, servants, employees or ostensible agents who facilitated, supervised, instructed, and/or oversaw the lifeguard certification course on April 26, 2015 at the Indian Valley Family Y.M.C.A., whose names are unknown to Plaintiff but whose full identities are known to Defendants. All of American Red Cross's agents, servants, employees, or ostensible

agents as described above were engaged in the business of the American Red Cross and were acting within the scope and course of their employment.

5. At all times material hereto, Defendants The North Penn Y and Indian Valley Family Y.M.C.A. owned, possessed, controlled, or maintained the property located at 890 Maple Avenue, Harleysville, PA 19438, including the enclosed swimming pool.

6. At all times material hereto, Defendants The North Penn Y, Indian Valley Family Y.M.C.A., and American Red Cross facilitated, supervised, instructed, and/or oversaw a lifeguard certification course on April 26, 2015 at the Indian Valley Family Y.M.C.A. pool.

7. At all times material hereto, Plaintiff Steven Jones was a business invitee on the Property.

8. On or about April 26, 2015, Plaintiff Steven Jones attended a lifeguard certification course at the Indian Valley Family Y.M.C.A.

9. After a short introduction, all participants, including Plaintiff Steven Jones, were instructed to enter the pool.

10. Defendants split the participants into two groups on one side of the pool and instructed the first group to swim to the other side of the pool and back.

11. Before the first group completed their lap, Defendants instructed the second group, of which Plaintiff was a member, to swim to the other side of the pool and back.

12. This caused a situation in which participants from each group were swimming in opposing directions.

13. Swimming lane lines were not utilized in the pool.

14. While swimming as instructed, Plaintiff's head collided with another swimmer who was traveling in the opposite direction.

15. After the collision, Plaintiff exited the pool and lost consciousness, striking the deck.

16. As a result of the above-described incident, Steven Jones sustained serious injuries, including loss of consciousness, concussion with impaired neurologic function, posttraumatic migraine headaches, cognitive difficulties, blurred vision, and dizziness. Steven Jones has in the past and may in the future require medical treatment of his injuries. Steven Jones has in the past and may in the future incur expenses in the treatment of his injuries. Steven Jones has in the past and may in the future experience great mental and physical pain and suffering. Steven Jones has in the past and may in the future sustain a loss of life's pleasures.

17. The above-described incident was the result of the negligence and carelessness of Defendants North Penn Y, Indian Valley Family Y.M.C.A., and American Red Cross, which consisted of the following:

- (a) failing to utilize swimming lane lines during the lifeguard certification course;
- (b) instructing swimmers to swim in opposing directions during the lifeguard certification course;
- (c) instructing swimmers to swim when it was unsafe to do so;
- (d) failing to supervise the lifeguard certification course attendees, including Plaintiff;
- (e) failing to ensure that all lifeguard certification staff were properly trained to facilitate, monitor, teach, supervise, and/or oversee the lifeguard certification course;
- (f) creating a dangerous condition to be present in the pool;

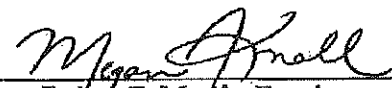
- (g) failing to properly and sufficiently employ and implement any and all reasonable, appropriate and necessary safeguards and safety precautions;
- (h) failing to properly take action to prevent swimmers from colliding; and
- (i) failing to establish proper protocols to ensure that attendees were protected from physical harm;

18. As a result of the negligence and carelessness of Defendants, as aforesaid, Plaintiff sustained the injuries and damages set forth in Paragraph 16 above.

WHEREFORE, Plaintiff demands compensatory damages from Defendants The North Penn Young Men's Christian Association, Indian Valley Family Y.M.C.A., and American Red Cross individually and/or jointly and severally, in an amount in excess of the applicable arbitration limits.

MORRIS WILSON, P.C.

Date: 11/26/2019

By: 
Robert F. Morris, Esquire
Megan G. Knoll, Esquire
Attorneys for Plaintiff

VERIFICATION

I, STEVEN JONES, hereby certify that I am the Plaintiff in this action and that the facts contained in the foregoing COMPLAINT are true and correct to the best of my knowledge, information, and belief. I understand that statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: 11/21/2019



Steven Jones

EXHIBIT “B”

Case #2019-27659

Case Number	2019-27659
Commencement Date	11/26/2019
Case Type	Complaint Civil Action
PFA Number	
Caption Plaintiff	JONES, STEVEN
Caption Defendant	THE NORTH PENN YOUNG MENS CHRISTIAN ASSOCIATION
Lis Pendens Indicator	No
Status	2 - OPEN
Judge	ROTHSTEIN
Remarks	
Sealed	No
Interpreter Needed	

Plaintiffs

Name	Address	Country	Counsel	Notify	Sequence
JONES, STEVEN	629 HAMMERSMYTH COURT HARLEYSVILLE, PA 19438 UNITED STATES	UNITED STATES	KNOLL, MEGAN MORRIS, ROBERT F	Yes	1

Defendants

Name	Address	Country	Counsel	Notify	Sequence
THE NORTH PENN YOUNG MENS CHRISTIAN ASSOCIATION	2506 N. BROAD STREET, SUITE 208 COLMAR, PA 18915 UNITED STATES	UNITED STATES		Yes	1
INDIAN VALLEY FAMILY YMCA	890 MAPLE AVENUE HARLEYSVILLE, PA 19438 UNITED STATES	UNITED STATES		Yes	2
AMERICAN RED CROSS	2221 CHESTNUT STREET PHILADELPHIA, PA 19103 UNITED STATES	UNITED STATES		Yes	3

Docket Entries

Seq.	Filing Date	Docket Type	Docket Text	Sealed	Filing ID
0	E 11/26/2019	Complaint Civil Action		No	12573105
1	12/17/2019	(Internal Use Only) Served	THE NORTH PENN YOUNG MEN'S CHRISTIAN ASSOCIATION ON 12/11/2019	No	12598657
2	12/17/2019	(Internal Use Only) Served	INDIAN VALLEY FAMILY YMCA ON 12/11/2019	No	12598658

EXHIBIT “C”

From: Gallagher, Bob
To: Julie Buonocore; Kennedy, Lauren; Kingery, Todd; Bob Gallagher; Schofield, Chip
Subject: Re: Lawsuit: Jones v. North Penn YMCA and American Red Cross
Date: Friday, December 27, 2019 5:10:53 PM

Ms. Buonocore

As I mentioned on the phone tonight, I cannot give consent until I have a conversation with our legal counsel who will be appointed by our Liability Carrier (Redwoods insurance). At this point, I do not know who is representing us.

Thank you

Bob Gallagher, CEO
North Penn YMCA

On Thu, Dec 26, 2019 at 9:47 AM Julie Buonocore <JBuonocore@rebarbernstiel.com> wrote:

Mr. Gallagher—

As a follow-up to the message I just left, I represent the American Red Cross in a litigation brought against my client and the North Penn Young Men's Christian Association and Indian Valley Family Y.M.C.A. (collectively, the "YMCA") by Steven Jones. I'm attaching a copy of this Complaint for your reference. I did not see any counsel's appearance listed on the docket and I was referred to you as the person who is handling this matter on behalf of the YMCA.

Pursuant to the Red Cross' charter, the Red Cross is able to proceed in federal court with any cases brought against it. I am writing to request your consent to remove this matter to federal court. I understand you are out of the office until after the New Year; however, our deadline for removal is January 1. I would appreciate if you would kindly provide your response on or before December 30, 2019, so that we may file for removal on December 31. Unless we hear to the contrary, we will assume you are in agreement with the removal.

Please give me a call to discuss this matter further when you are available.

Very truly yours,

Julie Buonocore



REBAR | BERNSTIEL

Julie Buonocore

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Stamford, CT 06901

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